

***Amendment & Response******Application No.: 09/712,237  
Page 7*****II. Remarks**

Applicants respectfully request that the merits of the application be reconsidered in light of the Amendment above and the remarks that follow. Claims 24 and 26 has been amended, and claims 24-33 remain pending in this application.

No new matter has been added due to the amendment to claim 24 and 26. Claim 26 has been amended to correct typographical errors. Support for the amendment to claim 24 can be found in, e.g., Figures 2-4.

Applicants thank the Examiner for indicating that claims 32 and 33 are allowable.

**Telephone Interview With Examiner**

Applicants thank the Examiner Thanh for discussing the merits of the application with Applicants' representative, Keith Campbell, on April 26, 2004. The Examiner suggested that additional structural details to further clarify claim 24 would likely placed the application in condition for allowance. Additional structural details have been added to claim 24, and Applicants earnestly solicit the Examiner to deem the claims allowable.

**Rejections under 35 U.S.C. §102**

Claims 24-28 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Bron (US Patent No. 4,428,397) and allegedly being anticipated by Société Anonyme André Citroën (French Patent No. 1,299,719). Applicants traverse the rejections to the extent that they are maintained.

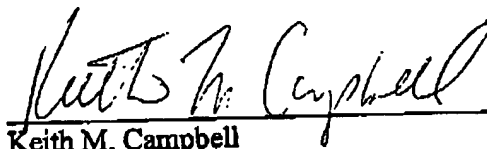
Claim 24 has been amended to recite that the fluid pathway is impeded by impeding flow through the hole and not impeding the outlet. Neither US Patent No. 4,428,397 nor French Patent No. 1,299,719 teach impeding a fluid path by impeding flow through a hole in a membrane. Both US Patent No. 4,428,397 and French Patent No. 1,299,719 teach impeding flow by having a membrane engage an outlet. Withdrawal of the rejections is respectfully requested.

***Amendment & Response******Application No.: 09/712,237  
Page 8*****III. Summary**

Applicants assert that claims 24-33 are in condition for allowance. Notice to that effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned with questions or comments.

Respectfully submitted,  
Haller et al.  
By their attorney



Keith M. Campbell  
Registration No. 46,597  
MEDTRONIC, INC.  
710 Medtronic Parkway  
MS-LC340  
MINNEAPOLIS, Minnesota 55432-5604  
Tel: (763) 505-0405  
Fax: (763) 505-0411  
E-mail: [keith.m.campbell@medtronic.com](mailto:keith.m.campbell@medtronic.com)

Date: May 12, 2004